

HOUSE BILL 2549

By Eckles

AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 16, Part 1; Title 66, Chapter 14, Part 1 and Title 66, Chapter 19, Part 1, relative to unclaimed or abandoned motor vehicles.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 66-14-101, is amended by adding the following new subsection (c):

(c) The lien established by this section shall not apply to work performed on a motor vehicle as defined in Tennessee Code Annotated, Section 55-12-102.

SECTION 2. Tennessee Code Annotated, Section 66-19-103, is amended by deleting the second sentence of subsection (a) and substituting instead the following:

A garagekeeper may, after ninety (90) days, enforce this lien in the manner prescribed for the enforcement of artisans' liens under §§ 66-14-102—66-14-106 except the garagekeeper shall only be required to advertise the sale one (1) time in a newspaper published in the place where the sale is to be held.

SECTION 3. Tennessee Code Annotated, Section 55-16-103, is amended by deleting subpart (1) and substituting instead the following:

(1) "Abandoned motor vehicle" means a motor vehicle that:

(A) Is over four (4) years old and is left unattended on public property for more than thirty (30) days;

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(B) Is in an obvious state of disrepair and is left unattended on public property for more than ten (10) days;

(C) Has remained illegally on public property for a period of more than forty-eight (48) hours;

(D) Has remained on private property without the consent of the owner or person in control of the property for more than forty-eight (48) hours; or

(E) Has been stored, parked or left in a garage, trailer park, or any type of storage or parking lot for more than thirty (30) consecutive days.

SECTION 4. Tennessee Code Annotated, Section 55-16-105, is amended by deleting subsection (e) and substituting instead the following:

(e) When an employee of a public agency or a towing company contracting with a public agency takes possession of a vehicle found abandoned, immobile, or unattended, an employee of such agency shall verify ownership through the Tennessee Information Enforcement System (TIES) and shall place such ownership information on the towing sheet or form. The agency shall also provide such ownership information to any towing company or garagekeeper with whom the agency has a contract. If a public agency attempts to verify ownership information through the Tennessee Information Enforcement System and the response is "Not on File", the agency shall contact the department of safety title and registration division who shall search records not contained in Tennessee Information Enforcement System for the ownership information. If the title and registration division locates ownership information through such search, it shall notify the appropriate public agency and such agency shall distribute such information as provided in this subsection. When any other person takes possession of a vehicle found abandoned, immobile, or unattended, the action shall be reported immediately to the motor vehicle division for verification of ownership on a form prescribed and provided by the registrar of motor vehicles.

SECTION 5. Tennessee Code Annotated, Section 55-16-107, is amended by deleting the final sentence of subsection (a) and substituting instead the following:

If a garagekeeper or towing firm has made repairs to a vehicle for which a waiver has been executed, such garagekeeper or towing firm may proceed to enforce the lien as provided in § 66-19-103. If the garagekeeper or towing firm has not made repairs to a vehicle for which a waiver has been executed, such garagekeeper or towing firm may, after thirty (30) days from the waiver date, proceed to sell the vehicle in accordance with the procedure established in § 55-16-106 and keep the proceeds from such sale.

SECTION 6. This act shall take effect July 1, 1998, the public welfare requiring it.